

REMARKS

Reconsideration of this application is requested. Entry of the present amendment is requested because it is believed it places the application in condition for allowance or in better form for appeal.

Claims 53, 90 and 105 have been amended to better define the present invention and to further distinguish from the cited art, even though it is submitted that the cited art did not negate the patentability of these claims before amendment. Claim 103, which the Examiner indicated would be allowable, has been rewritten in independent form as new claim 106. Claim 104, which the Examiner indicated would be allowable, has been amended to depend from new claim 106.

It is requested that the Examiner again reconsider the matter of claim 77, because it is believed that the claim does read on the elected species. The undersigned probably should have pointed out to the Examiner that the shading on the stalk-like knobs 118 in Fig. 18 illustrates a curvature or spherical surface which can only indicate that at least a portion of the haptic outer (118) end has a thickness greater than the haptic inner end (120). This is the reason it was earlier stated that Fig. 18 "clearly" supports this position. Favorable reconsideration is requested. Furthermore, it is clear that the knobs 118 are thicker than the hinges adjacent the optic as seen in Fig. 18.

Before discussing the amended claims in detail, it is believed that an overall discussion of the cited patents and distinctions with regard to the lenses of the present invention can be helpful to better understand the differences involved. First, with reference to the Tennant '509 patent, the lens

involved is to be placed in the anterior chamber as versus the capsular or bag for Applicant's lens. Tenant is vaulted anteriorly as versus uniplanar. Tennant does not have a groove or hinge across the haptic as versus Applicant's groove. The Tennant optic and plate haptics are from different materials and those of the present application preferably are the same. Tennant's plates have angled "feet," whereas the plates in the present application are uniplanar. The Tennant optic moves away from the iris for accommodation as versus toward the iris for accommodation with the present lens. Particularly important is the fact that Tennant's optic is rigid and the present optic is flexible.

Turning to Schlegel '597, this lens is not accommodating. Schlegel has a biconvex optic with a "thin walled" support encircling the optic, and the present haptics do not encircle the optic. Schlegel has stiffening ribs or ridges which help make the lens rigid whereas Applicant's design allows the lens to flex. In particular, Schlegel does not disclose an accommodating lens.

Schlegel '406 likewise is not an accommodating lens as contrasted to the lens of the present application. This Schlegel lens refracts light by means of a Fresnel lens as distinguished from the disclosed biconvex optic in the present application. There is no hinge or flexibility to the Schlegel lens, and there are no protrusions from the periphery of the lens to provide fixation and centration elements.

The Kalb '457 patent also is not an accommodating lens. The Kalb lens is a bag and the lens optic and haptics are inflatable as versus the solid lens of the present application. The Kalb lens haptics are hollow and have one way valves.

Portnoy '761 is an interesting catadioptric intraocular lens. It uses circular reflecting surfaces on the internal front and back surfaces of the lens, and is designed to function as a telescope. Importantly, it is not an accommodating lens, and there are no specific fixation means described.

It is believed that the foregoing discussion of the cited art helps set the stage for how the lenses disclosed therein are significantly different from those of the present application. Each of claims 53, 90 and 105 has been amended to more particularly define the accommodating intraocular lens and the various structural and design aspects thereof to better distinguish over the cited art. It is respectfully submitted that as amended these claims clearly define over each of the cited patents taken alone or in combination. Each of these claims has been amended to recite "a solid flexible optic" which is absent in most of the cited patents and particularly Tennant. The claims have been amended to more specifically define the nature of accommodation in nonfunctional terms. The lens body has been defined as configured and dimensioned to be disposed in the capsular bag or to move the optic anteriorly and posteriorly. With regard to the Examiner's comments about the use of "adapted to" and the like, it is respectfully submitted that the present claims define more structural aspects of Applicant's lenses which allow the vision accommodation to occur.

Finally, Applicant intends to file the Terminal Disclaimer in due course.

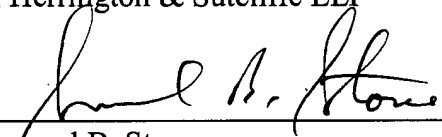
If the Examiner would like to discuss this Amendment in a telephone conference, please contact the undersigned at (949) 567-6700.

The Commissioner is authorized to charge Counsel's Deposit Account No. **150665** for any fees that may be required.

Respectfully submitted,

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Dated: December 5, 2003

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